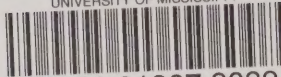






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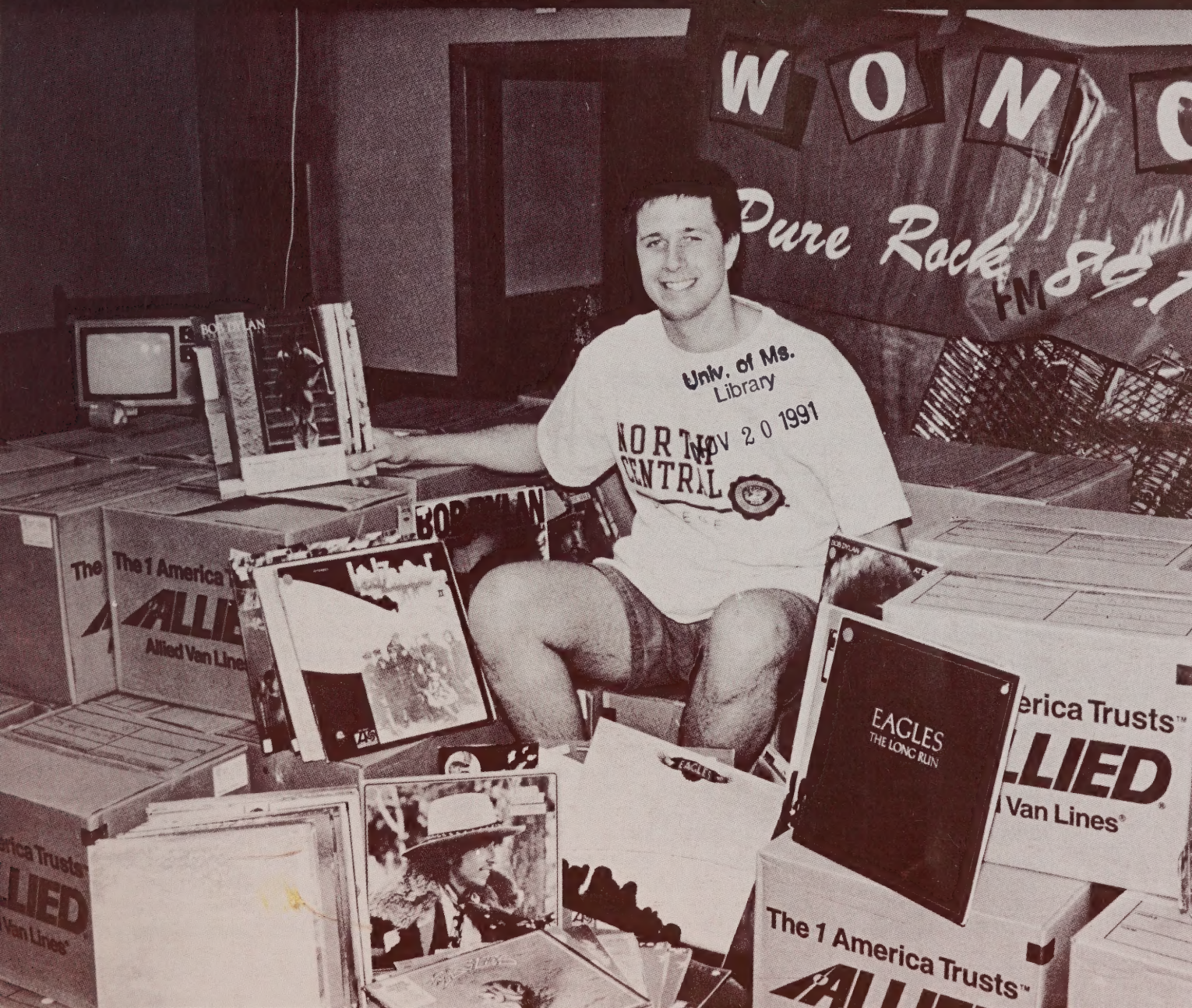


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# the Journal of College Radio

Volume XXV Number 1 1991-92



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C O V E R S T O R Y

## WONC-FM North Central College Receives WLS Music Library

WHICH COLLEGE RADIO STATION IN AMERICA has the largest record collection? Maybe not WONC-FM at North Central College, but they've recently boosted their size by some 11,000 records.

Thanks to WLS in Chicago, which switched from a music format to an all-talk format, this private college in Chicago's western suburb of Naperville inherited the entire WLS music library consisting of more than 8,000 LP records and 3,000 45's.

Phil Duncan, production director for WLS and a 1971 graduate of North Central, said WLS wanted to unload its vast collection and he suggested his alma mater. As an undergraduate, Duncan was one of the first station managers at WONC, so he was familiar with the needs of a college radio station.

John Madormo, WONC station manager, said North Central is more than happy to accept anything WLS has to offer. "Every time Phil (Duncan) calls, he has something for us," Madormo said. "WLS has been a tremendous friend to the college over the years."

In addition to the records, North Central's radio station has also been the recipient of two on-air consoles from WLS, helping to make WONC a state-of-the-art college radio station.

"Our goal at the station is to create an environment which is similar to what students will encounter at a professional radio station," Madormo said. "WLS has had a big part in helping us reach that goal and we're very grateful."

With a traffic service, a computerized news-editing system, state-of-the-art consoles, and now a music library second to none, about the only thing that sets WONC apart from a professional radio station is the student staff.

Approximately 75 students are part of the staff of WONC, which reaches a potential audience of more than 1,000,000 listeners in the the western suburbs with its album-oriented rock format. The station broadcasts daily from 6 a.m. until midnight with 3,900 watts of effective power from studios on the fourth floor of Old Main on the campus of North Central College. □

Tom Carlton & Marvin Meinz

## Don't Lose Out

Don't lose *the Journal of College Radio*.

Don't lose the *IBS Station Managers Newsletters*.

Don't lose the *IBS Recording Company Directory*.

Don't lose updates on FCC actions and proposals.

Don't lose budget comparisons with other stations.

Don't lose direct access to people who know college *radio*.

Don't lose IBS Station Membership by letting it expire.

**RENEW NOW** for the 1991-92 academic year to keep the flow of vital information coming to your station.

To check your station's status right now,  
Call 914 565-6710.

## California Lutheran University Goes FM KRCL Cable FM becomes KCLU 88.3 FM



AFTER FOURTEEN YEARS AS KRCL 101.5 FM on the local cable system, California Lutheran University has enlarged their audience by going on the air as KCLU 88.3 FM. This summer was spent remodeling the station in preparation for the new FM broadcasting requirements.

The station's emphasis on jazz, classical, and hip-hop dance will be expanded to include alternative, reggae, hard rock, metal, new age, religious, classic rock, and world music. They will be offering their increased audience a larger menu from which to choose. Audience response, as always, will direct future additions or deletions.

Jill Jacoby is the Station Director for the renewed facilities with Scott Peters as Program Director. Matt Griffin, Music Director, will oversee all music departments, alternative music, and concert promotions. He will be assisted by Jason Dreyer, Specialty Music Director, and Shaunte Barnes, Religious Music Director.

The station has taken aggressive action in introducing their new facilities to all the record companies that have serviced their cable station in the past. They are actively soliciting record servicing for their expanded programming base. □





# the Journal of College Radio

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**Cover Photo:** North Central College senior John Harrington, operations manager at WONC-FM 89.1, sits among the many boxes of records donated to the station by WLS-RADIO in Chicago.

See story on page 1.

*The Journal of College Radio* was founded in 1941 by the Intercollegiate Broadcasting System, Inc. using the title *IBS Bulletin*. The name was changed in 1955 to *IBS Newsletter*. In 1964 it became *College Radio* and in 1969, *the Journal of College Radio* © 1991 IBS.

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## THE EDITOR'S LOG

LATELY, AT OUR STATIONS, THERE HAS BEEN a fascination with technology. And, why not? New developments in digital audio broadcasting, DAB, compact disks, CD's, direct broadcast satellite, DBS, and digital audio tape, DAT, among others, generate visions of virtually unlimited possibilities. Like solid state equipment and FM stereo before them, they have expanded the potential reach and quality of our stations.

Solid state technology gave birth to truly portable as well as more reliable equipment. Stereo and CD's gave our sound a new level of dimension and quality. DAB and DAT hold promise to extend these boundaries still further and DBS has the potential to bypass our stations completely.

Too often, all of this hi-tech hype confuses us into believing that the technology is an end unto itself. But, when you cut through all of the jargon, every one of these developments is simply an improvement in the way we deliver programming to our listeners. They may better our means of distribution, but they do not exist simply for their own sake.

The same holds true for the whole issue of satellite downlinks. Right now, most college stations do not have their own downlink, or access to one on campus. There are various kinds of downlink equipment providing access to different kinds of satellite signals. Interested stations can buy a system entirely with their own funds, or they can apply for matching grants to cover part of the cost.

But the issue of whether or not to go for a satellite downlink is only ripe for consideration if those at your station have already decided that "outside" programming is something you want and need to supplement local program service to your audience. The really important decision is whether or not you want access to the programs; the downlink only provides a way of getting them to you.

In the first of a multi-part series beginning in this issue, John Murphy of WHUS at the University of Connecticut describes the process of making this kind of programming decision at the station level. While the debate and discussion process may at first seem overly complex and drawn out, it's the kind of foundation that must be built before you even consider buying a downlink. As John points out, no matter what answers or conclusions you reach, the self-examination process can be a healthy one for your station, and perhaps long overdue.

Yet another confusing part of the whole satellite issue are those 3 sometimes intimidating letters: NPR, National Public Radio. While NPR does operate the public radio satellite system which also carries the NPR network programs such as *All Things Considered* and *Morning Edition*, the system also carries the NPR Extended Program Service. Essentially, this is a "common carrier" which provides relatively low-cost means of distribution to independent program producers who want to make their programming

available to "public" radio stations. There are dozens of specialized and alternative programs sent out this way that many "mainstream" NPR stations find too controversial or of too limited appeal for them to carry. But, these are just the kinds of programs many of our stations are interested in airing.

That's why our efforts at IBS have focused on connecting with the public broadcasting satellite system rather than piggybacking on an existing commercial system. There is significantly more programming available this way, making the investment more practical. But, this access to programs does not mean NPR will be "taking over your radio station" any more than your choosing to air programming available on tape means the manufacturer of that tape will gain control of your station.

Although it may not seem so right now, the lengthy part of the whole process is not necessarily getting the satellite downlink funded, bought and installed. Instead, if it's done right, the process of defining and describing your intended audience, its needs and characteristics and your station's plans to serve these needs will take the most time and effort. If you decide you want and need externally-produced programming to supplement your own schedule, then and only then is it time to work on getting a downlink.

At that point, there are two ways to go: get some financial help or buy the equipment on your own. The National Telecommunications and Information Administration, NTIA, operates under the Department of Commerce, DOC, and has something called the Public Telecommunications Facilities Program, PTFP. (Now you know why they use acronyms.) Among other things, the PTFP is an annual program providing a 50% matching grant for fully-equipped satellite downlink systems. Of course, there are a few catches.

First, the PTFP is a competitive program — they have far less funding available than the total amount being requested by those seeking these funds. You are competing with others, mostly larger NPR radio and PBS television stations. Due at least in part to IBS efforts, our kind of stations have recently received added attention and consideration. WHUS at the University of Connecticut has just received word that their application has been granted. Our intention is to use this grant as a model for others interested in preparing their own applications.

Another catch involves the cost. PTFP helps fund only high-quality equipment. For example, a typical downlink package, including a couple of tape machines, can cost \$30,000. That means, if your grant application is approved, you have to be ready to put up \$15,000 from your own budget. Finally, the amount of paperwork involved is unlike anything you have seen before, unless you've had the experience of preparing a federal grant application. With an expected filing deadline of January 15, 1992 for the next round, and applications forms not expected to be ready before October, 1991, time is a



very serious problem.

For all practical purposes, if you haven't made the decision to seek access to "outside" programming and lined up some \$15,000 to spend, it's too late for this round. Even if you have already discussed this at your station, made the decision and assembled the cash, the time in which to prepare the application may be too tight, at least without some help. But, there's always next year, and it doesn't pay to rush in with a less-than-your-best-effort application.

You could decide to bypass the PTFP and simply buy your own equipment. If your campus already has a dish available, you might be able to get away with just the essential electronics and a line to your station. In fact, paying for this yourself might be considerably less expensive than putting up 50% of the "standard" PTFP package, and that's without the extensive paperwork, the once-a-year application window, and the delay while the application is considered.

There's a catch here, too. The equipment you use will have to meet with NPR's approval before you can be accepted to use their satellite system — the cheapest stuff around isn't acceptable. In either case,

you'll have to pay a distribution-interconnection fee, D/I fee, for access. It's also a good idea to get frequency clearance from the FCC to protect your receiving location from interference.

Be aware too, that the satellite being used currently by NPR will be replaced within a year or so. Make sure any dish and other equipment you intend to use will meet the new, more stringent spacing and technical specifications.

IBS can help, of course. Working with people experienced in the process, we can get your station the kind of practical help it needs, in the decision-making process for programming, in the preparation of your application, and in putting you in touch with those you need to contact.

Remember that it all centers on programming — what you decide to broadcast on your station. That should be determined regardless of the way that programming is delivered to you: via satellite, on tape reels, CD, LP, cassette, telephone, broadcast line, network, or whatever.

With apologies to Marshall McLuhan, in this case at least, the medium is *not* the message.

◻ Jeff Tellis

## WBSU Wins Award

RADIO STATION WBSU 89.1 FM, STATE UNIVERSITY of New York College at Brockport, won an Outstanding Single Program Designed for Children Award during the 26<sup>th</sup> annual New York State Broadcaster's Association Excellence in Broadcasting awards ceremony held in Saratoga Springs, New York in July.

The awards recognize broadcast programming excellence in the areas of children's programs, documentaries, mini-series, public affairs, and public service announcements, among others.

WBSU's *One Voice*, a talk show hosted by Daniel

McDonald, received the award for its program on child abuse. Triester Roegner was the show's producer and Neil Czerniak was production assistant.

Founded in 1981 as an FM station, WBSU is a full-service radio station. It is the largest student-operated station within the SUNY system, and has grown from 10 watts to its current 7,338 watts.

Station manager Warren Kozireski supervises a staff of 55 students. He has worked as a traffic reporter, researcher, production assistant, and morning show producer for Rochester radio station WHAM/WVOR-FM. ◻



## Free Health Drop-Ins

THE U.S. DEPARTMENT OF HEALTH AND HUMAN Services provides daily Health News Stories at no cost to interested radio stations. By simply dialing an 800 number, you can receive news items including actualities by leaders in the health-care field. These stories are changed daily at 4p.m., Eastern time, Monday through Friday, except holidays. The number for stations outside the District of Columbia is 800 621-2984. The numbers in the District of Columbia are 245-0317 or 245-0322.

We tried the 800 number and found that it can often be busy and may require several tries. A brief introduction tells how many news items are available

that day. Time cues follow the description and length of each item.

For stations not having the time or personnel to access the daily news items by phone line, the Communications Services Division of the HHS Office of Public Affairs produces a weekly cassette with cue sheets which is mailed to requesting stations.

Contacts for either service are:

Gustavo Friederichsen, Deputy Director, CSD  
U. S. Department of Health and Human Svcs.  
Room 631E.1, Washington, DC 20201 — or —  
Eddie Madison, Public Affairs Specialist, CSD  
Phone: 202 245-1897 FAX: 202 245-2247. ◻



# Satellite Interconnection

by John Murphy

## PART ONE: AN IMPORTANT QUESTION

*Should an independent, student-community operated, university-based FM radio station, work to get a satellite downlink, and integrate a selected mix of national programs with its local programming service?*

### INTRODUCTION AND BACKGROUND

THIS ARTICLE IS THE FIRST OF A SERIES TO BE published in *The Journal of College Radio* during the 1991-92 academic year, focusing on a broad discussion and overview of satellite technology and its relationship to college radio. We'll also look at how one station worked through the process to reach an answer to the question.

I believe an open and candid exploration of this question during the next year provides a great opportunity for the people at your station to review your history, mission, and purpose, and to reaffirm and renew your relationship with the audience you want to serve. Bring everyone in your station family together to brainstorm about the future you will make together, to remember what is really important, and to balance short-term and long-term interests with individual and collective needs and responsibilities.

We'll share thoughts and observations about the operation and service potential of satellite distribution systems and programs, and how they will affect for better and for worse the future of college radio. These articles were written to help you find your own way through the confusing maze of technical and legal jargon, industry mythologies, and the personal hopes and fears you will encounter at your station as you explore this question.

### WHUS-FM: One Station's Experience

We at WHUS Radio at the University of Connecticut have already navigated the decision process and decided to supplement our local service with national programming via satellite. Our purpose in describing our experiences is to keep other stations from having to "reinvent the wheel". Once we agreed on the need for the programming, the next step became a matter of putting a downlink in place.

We applied to a federally-funded media program that provides matching grants for satellite equipment systems. (See information at end of article.) Our application was filed on January 14, 1991, after a long process of discussion and debate within the station. It was one of the most challenging and difficult decisions we have had to work through at WHUS, and the process was at times both inspirational and frustrating.

On August 9, 1991 the good news came. WHUS received formal notification that it has been awarded a construction grant by the Public Telecommunications Facilities Program (PTFP) for the purchase and installation of a satellite downlink. We will receive a 50% matching grant to cover the costs of a downlink, as well as two new Otari 5050B tape machines to be connected to the satellite equipment.

We are on our way. The next step is the business of buying and installing the system. Meanwhile, we are continuing to review and debate the merits of the many new programming possibilities that satellite-interconnection has opened up to our station and its listeners.

Most people at the station are happy that WHUS is getting a downlink, and that our program choices have been expanded. Others are still apprehensive about how that piece of equipment will affect our future decisions, and about how an increasing level of interest in our audience size, composition, and tastes may bring a lowest-common-denominator mentality into our programming service. Is this a real step in our growth, a real opportunity, or is it a step backward from localism, and away from what our true (original) mission and purpose is?

All of us at WHUS are sharing this experience with you in the spirit of mutual support and cooperation among IBS stations. We hope you don't think we are saying, "This is what you should do," but rather, "This is how we planned for it, went about getting one, and how we hope to use it to improve our service." By the way, we hope you'll share your reactions and reports of your activities with us in the pages of JCR as well.

### Your Answer

There is good news about answering the satellite program question: If you ask and answer it as honestly as possible, your answer will be good. It depends on your being open to the realities of your station, your understanding of your audience, your willingness to overcome fear and inertia, and your ability to plan and take positive action.

Don't run your station on *automatic pilot* and just let the future happen to you. Do *something!* Whatever the answer is for your station, be aware that your staff and management are not doing their jobs if this question is not explored during the next year or two.

Truly historic opportunities are being created by the public radio system for college and community station participation. Find out about them and see if

and the Future of College Radio



they can work for you. It is now more important than ever to find the time to pull away from the close focus and pace of daily operations and take a long look at the past, present, and future of your station, your community, and the changes that will occur in the medium we both love and hate so much.

### The Changing Media Environment

Even if you decide *not* to get a downlink, you will still face most of the same problems as those stations that do decide to get one. For me, technology itself is only one option for addressing the common

**"Truly historic opportunities are being created ..."**



problems. You will always share and compete for the interest and loyalty of a local group of radio listeners. You will always have to find money to pay for the costs of running your station. You will always have

to protect your station's future for the people yet to come and who will have to live with the results of what you do.

If you have been doing your homework you already know there are major changes taking place in "the media" and in its relationship with the people of our country. These changes involve virtually every aspect and component of the media matrix - technology, industry, government, the arts, and the general public. With the advent of cable and satellite delivery technology, VCR's, CD's, DAB, DBS, and Digital Radio, all within a relatively short period, the public will have more choices and decisions to make than ever before regarding their use of the various forms of media. What programs will be available, who will create them, who will own them, and how will they be delivered?

Will the government be a friend or foe in future relationships among the alternative media? Our present government is wavering from reliance on the control of the so-called free marketplace to regulation via the public interest standard; from protection of the freedom of expression to governmentally-sanctioned censorship initiatives; and from the incredible concentration of ownership of this technology to the almost extinct owner-operators and small group owners still left. Who do you think will care about the media's relationship to alternative culture, specialized or minority audiences, and the role and purpose of independent radio, TV, or cable stations? Who will care about college and community radio?

### Localism and Community

Localism and community are core concepts at the very heart of the reasons why we care so much about freedom in the media and the kind of radio we want to protect for the future. Ironically, I believe a stronger network of stations and audiences work-

ing together and connected across the country will be one of the most important tactics for us to protect and preserve local and regional culture and ideas. Strong local stations may offer one of the only opportunities for people who feel like they're acting or living in isolation to feel more connected. This will become more important when we finally address the social, economic and political struggles that lie ahead for this country. Shared national programs in partnership with local offerings is one way to provide a two-way forum for information sharing, planning and action. This concept applies equally to arts and music programming as well.

There is a natural and undeniable connection between the audiences that enjoy specialized alternative programming at a local station and among all the stations that support this programming. If a chain is as strong as its weakest link, then the weakest link in the future alternative culture-media web may be the local station that acts as if it were alone and isolated. From the viewpoint of the listener, artist, or radio producer, this is not the case at all; they know something many of us have forgotten! Think about it: if you move around the country, and search up and down the radio dial, you know where to tune for alternative music and information, don't you?

The phrase "Think globally, act locally." comes to mind. To me it means that to be free and to act locally, we must maintain local access and control of at least some of this technology. Thinking globally helps us to maintain and develop new resources to serve audiences and communities of interest at regional, national, and international levels. Both must be balanced and in harmony or the medium of college & community radio may be missing one of the great communications opportunities of the 1990's.

### Who Really Benefits?

Everyone can benefit, including the staff at your station, independent program producers, and, most important of all, your listeners! Satellite technology provides a powerful option for connecting and strengthening the relationship between all of these vital elements of the radio family.

At the local station level, working with satellites will improve and expand training opportunities for your staff members. By participating in the marketplace of national programming, staff members will get first-hand experience with the equipment, formatics, and decision making processes that occur as a part of everyday life throughout the radio industry, public or commercial. There's no better way to prepare for a career in radio tomorrow than to connect your station in a positive and educational partnership with the real world today.

It should always be remembered to include the needs and interests of the staff members who are looking forward to making a lifelong radio or other media career commitment. Though every staff member can make continuing and significant contributions, some of the people who work at college sta-



tions are not interested in pursuing media-related careers. They may be interested in college radio more as a hobby or means of personal expression, both valid reasons and part of your station's search for an answer to the question.

Remember your listeners – the folks who turn to you for alternative programming they can't find elsewhere. There's a plethora of independently produced and very challenging programming that is available only via satellite, because it has become the most efficient and cost-effective means of national distribution. A carefully chosen mix of some of these programs that is compatible with your local program service could provide your listeners with more high-quality, relevant, and interesting reasons to tune in and remember your station. It is another powerful way to make your station stand out from all the others on the dial in your area, and for you to increase the numbers and the loyalty of your listeners.

If your station supports alternative and new music composers, performers, and indy record labels, then why not extend that support to the people who are working so hard to create and distribute new, unique, and alternative radio programs? Independent radio program producers have been struggling for years to share their ideas and visions with new and expanded audiences. They continually work to reach as many people as possible, but, in many cases, they cannot get enough stations interested to either justify the cost of satellite distribution or to qualify for grants that would cover those costs. It is a painful and frustrating double bind for them.

The Spring 1991 issue of *The Journal of College Radio* featured an article concerning a research project to create a directory of freelance independent radio programs and producers. A national survey was distributed last year to all producers we could identify from the databases of the Corporation for Public Broadcasting (CPB) and the Association of Independents in Radio (AIR). Producers who use satellite and/or tape distribution were included. Karin Norton, the Public Affairs Director of WHUS, provided research support as part of her Master's program at UConn. Information about the survey results has been shared at regional and national radio meetings. You can contact IBS for more information about this new and vital resource to help you learn more about the alternative radio marketplace.

A word about tape distribution. It's generally too slow, limited, and costly to be relied on as your only outside source of fresh programming. While it's true that recording tape is viable for some programs that have a long-term playability, I don't know of a single producer that isn't working toward the day when their programs can reach the maximum number of potential stations and listeners via satellite. I believe it is time for this technology to be used by alternative radio stations to reach and serve the specialized and more narrowly defined audience interests that are ignored and unserved by mainstream stations, both commercial and "public".

## Satellite Services Available for College and Community Radio

There is a multitude of commercially-based satellite-delivered programming available, but it has little or nothing to do with college or community radio audiences and stations. That's why our efforts focus exclusively on the *public radio* satellite system.

Just to get you started, we've excerpted some information in part from the *Station's Guide to the Public Radio Satellite System*, 1991 edition, published by National Public Radio. Copies of this useful publication are free from NPR Distribution, 2025 M Street, N.W., Washington, DC 20036.

The public radio satellite system is the pipeline for the distribution of thousands of hours of news, music, and specialized audience programming each year to public radio stations. In this context, the term *public* includes college and community stations, as well as affiliates of NPR and APR.

The original system was built in 1979-1980, with public funds provided by CPB, the federal agency charged with promoting public broadcasting in the U.S. Today, the system includes 22 uplinks across the country and more than 300 downlinks. More than 100 additional stations also receive program-ming sent over the satellite through local connections with downlink stations.

Public radio programs are available 24 hours a day, seven days a week, using a transponder on the Westar IV satellite. The main operations center for the system is presently located at National Public Radio headquarters in Washington, DC. Management of the system is provided by the Distribution Division of NPR, on behalf of the participating interconnected stations. NPR itself is a membership organization of public radio stations, and also produces its own programming for distribution. However, *stations need not be NPR members to use the satellite system.*

Programs distributed over the satellite system come from National Public Radio, American Public Radio, and hundreds of independent radio producers and organizations. For our stations, the main interest centers on the *Extended Program Service*, a common carrier for independent producers' programming. These are often the non-mainstream, alternative programs overlooked by traditional NPR stations. In fiscal year 1990, more than 24,000 hours of programming were delivered. To transmit programs on the system, program sources register and request channel space and time through NPR Distribution. This division coordinates the scheduling and facilities needed to provide each program feed.

“... the weakest link may be the local station that acts as if it were alone ...”





## A Preview of Part Two: Technical and Fiscal Planning Interconnection Costs

There are three primary areas of expense, including both one-time and ongoing costs.

- One-time costs of both the purchase and the installation of equipment
- Ongoing costs of annual fees for use of the national satellite system distribution and interconnection (D/I fees)
- Ongoing costs of program fees for producers, required with some programs

The costs for the purchase and installation of a downlink depend on the design of the system. Ballpark figures for basic systems range from \$10,000 to \$25,000. The most expensive component is usually the receiving equipment, not the dish itself. Many stations also include one or more reel-to-reel tape machines to record programs for later broadcast. For receivers, you might choose to start with a simple system providing one mono channel, and expand to stereo capability later. Or, you can use up to four channels for stereo redundancy, allowing you to use one stereo pair for a live event while simultaneously recording another stereo program for later broadcast.

“... a plethora of programming ... but only via satellite ...”

It really depends on your programming priorities and financial resources. Your initial decision may also be governed by the type of programming, information or music.

Remember, too, that the present satellite system will be replaced within the next year or two as the useful lifespan of the present transponder expires. With the closer spacing of satellites and other changes, it will be important to make sure any equipment in which you make a major investment will remain compatible with new satellite systems.

In addition, the location and nature of the site area will affect installation costs. The antenna must be mounted on either a concrete pad or a roof. Roof installations can be very expensive. In some cases roof costs can add as much as \$30,000 to the project.

Annual fees for distribution and interconnection are your station's share of the costs of operating the satellite system. There is a sliding scale, based on station income. We will examine the fee schedule as well as special funding sources that may help you pay for them, in the next installment of this article in the next issue of *The Journal of College Radio*.

Program fees vary widely, depending on the producer's costs and resources, and often on the total number of stations supporting the program. Many programs are funded by grants or underwriters and are free or at nominal cost. Again, future articles in

this series will focus on the IBS Directory of Independent Radio Producers, and the types and costs of programs available to you.

### A Critical Reminder!

**If you have made the decision to acquire a downlink and want to apply for a matching equipment grant, then you must act immediately if you want to apply in time for the next round of the annual NTIA/PTFP program!**

The National Telecommunications and Information Administration, NTIA, administers an annual equipment grant program called the Public Telecommunications Facilities Program (PTFP). The application deadline for the next round is set for mid-January 1992. Application forms are expected to become available in October. You should begin now collecting the information you'll need to document both your needs and resources and to prepare your application.

As a station manager who has just successfully completed the process, I want to tell you not to get discouraged. It can work, *if you do a good job of preparation and if your station service is noteworthy and unique*. There are some excellent caring people at NTIA/PTFP who really want to see the public radio family grow and prosper. Satellite downlinks have been identified as one of the system priorities for successful implementation of the process of public radio expansion. This presents an important opportunity for college stations.

If you're interested, call Jeff Tellis at the IBS office for more information about this grant program and the process required. We can help you determine if it is feasible and practical for you to apply for the next round of grants, or if you should take more time to prepare a stronger and more complete application that has the best chance of success. Given the complexity of the applications, the matching funding requirement for stations, and the limited time before the upcoming filing deadline, most stations will need more time than the few months between now and January, 1992.

On the other hand, if you are fortunate enough to have adequate local funding available and don't need a grant, then you need not worry about this deadline - you can proceed whenever you are ready. Either way, you would do yourself a real favor by taking a serious look at these new options. They could extend and improve your program service and the long-term survival of your station. ☐

*John Murphy is General Manager of WHUS-FM at the University of Connecticut, Director of Station Relations and a member of the IBS Board of Directors.*





# Court Rejects 24-Hour Indecency Ban

## FCC ordered to establish a reasonable safe harbor period

THE U. S. COURT OF APPEALS HAS DECLARED unconstitutional the FCC's 24-hour-a-day ban on the broadcast of any material considered to be "indecent" by the FCC definition of the term. The May 17th ruling sided with the appeal filed by Pacifica, IBS and others who opposed the complete ban under First Amendment reasonable access provisions for adults. The appeal had stayed the new rules and prevented the 24-hour ban from taking effect pending court action.

### Safe Harbor

In striking down the Commission's ban, the court ordered the FCC to establish a reasonable "safe harbor" period, presumably during late evening and overnight, when so-called "indecent" material could be aired. During this time, the number of children in the audience would be minimal. In fact, the whole point of "channeling" this material to late night hours is to provide protection for children while preserving reasonable access for adults.

An informal "safe harbor" guideline of 10 p.m. to 6 a.m. had been used by the FCC until 1988, when the starting time was changed to 12 Midnight. That change prompted objections from Pacifica, IBS, and others who challenged the Commission in the courts. At that time, the court upheld the concept of channeling such material to hours when there was less likelihood children would be listening, but required the FCC to justify the basis for changing the starting time for safe harbor to 12 Midnight.

### 24-Hour Ban

While the FCC worked at justifying this change, Congress passed and then-President Reagan signed a bill imposing a 24-hours-a-day ban on the broadcast of material defined as indecent. Under this mandate, the Commission abandoned their work on justifying a safe harbor time period and instead wrote rules to implement the 24-hours-a-day ban. The appeal filed by Pacifica, IBS and others stayed that ban from taking effect, pending court action.

The latest action by the court is based on their earlier 1988 decision supporting the use of channeling and a safe harbor period, but requiring the FCC to justify the times specified for the safe harbor. Essentially, this puts things back to 1988, before the 24-hour ban became law.

Early broadcast industry trade magazine reports indicated that the FCC Chairman, Alfred Sikes, was disappointed by the court's ruling. Sikes has been known for his anti-indecency stand. Since then, the

Commission has decided on an appeal. During the appeal, the FCC said, until the limits of their authority is clarified, it will not take indecency actions against material which is broadcast after 8 p.m. and is preceded by an appropriate warning announcement.

Predicting FCC reaction is tricky. Their choice may involve political considerations as much as their chances of winning an appeal. For example, even though their chances for an appeal being granted may not be especially good, the Commission's very pursuit of such an appeal may win some points with conservative supporters of the administration.

Another issue involves getting the FCC to define the age group of "children" it wants to protect and the "reasonable risk" of exposing children to indecent material. Right now, "children" are defined differently by the FCC for different purposes.

### Indecency vs. Obscenity

The court ruling apparently upholds the FCC's definition of "indecent" material. Indecent language is defined by the FCC as "language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs." Keep in mind that the FCC has said it will determine what are "contemporary community standards for the broadcast medium" - not the local community.

Indecent material may be broadcast only during the safe harbor period and only if preceded by an appropriate warning announcement.

On the other hand, obscene material may not be broadcast at any time. To be obscene, according to the FCC, "material must meet a three-prong test:

- 1 An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest and
- 2 the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- 3 the material, taken as a whole, must lack serious literary, artistic, political or scientific value.

See *Miller v. California*, 413 U.S. 15 (1973).

Since the 24-hours-a-day ban never actually went into effect, this latest ruling should not mean any immediate changes for school and college radio stations.

□ Jeff Tellis



# to Reward Performance

by Phil Gordon, WXAV-FM Station Manager &  
Kevin Curnow, WXAV-FM Program Director

THE ISSUES SURROUNDING THE FCC REQUIREMENT of the Restricted Radiotelephone Operator Permit have been well documented and debated. Clearly, the move by the FCC to collect \$35.00 from broadcasters as they pass "go" is a classic federal revenue enhancement. Despite arduous efforts from groups opposing the fee requirement such as IBS, the FCC Operators Permit is a reality, at least for the foreseeable future. While college station managers sympathize, empathize, and support the noble efforts of those fighting to amend or waive this requirement, we must figure how to best live within its burden.

Perhaps the most unfortunate by-product for college radio stations is that the \$35.00 fee for the required permit may well hamper recruitment of new station staff members. The ugly notion that such a barrier may keep talented and interested future broadcasters from practicing the art is more obscene than any explicit language the FCC has identified to date. At the risk of being pedantic, \$35.00 can represent the cost of a course text; a monthly transit pass for commuters; or even a sack of groceries for financially struggling students. The challenge for radio station administrators and students is how to make the best of the situation. Is there some way of turning this FCC obstacle into an opportunity?

On the far Southwest side of Chicago, Saint Xavier College's WXAV-FM is establishing a brand new station. We face the challenge of recruitment from a small base of 2,500 students of which only 50 are mass communication majors. For our predominantly commuter student population, time for extra-curricular activities is limited. Most students have part-time employment and have already given their limited spare time to more traditional activities such as the student newspaper or athletics. The \$35.00 Operator Permit fee surely is a negative reason to those students on the fence as to where to give their time and resources. As we've kept our fingers crossed that the Operators Permit Fee challenges would be successful, we began to prepare a plan to seize the opportunity and turn it into a positive development.

Our plan was to treat the license application and the attendant fee as a right of passage. A chance to reward hard work; recognize contributions; insure quality operation; and serve as an incentive to those struggling or not yet committed to the cause of putting WXAV-FM on the air. We've allocated a portion of our annual budget to pay the fee for students who successfully demonstrate to us that they will per-

form not only the very minimal obligations as outlined in the FCC terms and conditions, but much, much more. To carry the athletic activity analogy a bit further, before you can earn your team uniform (FCC Operators Permit fee) from WXAV-FM, you really have to perform your calisthenics, handle the ball well, and understand the rules of the game.

We put together a user-friendly manual designed to painlessly orient and educate volunteers to station policies and procedures. This information far exceeds the minimal requirements of the FCC Operator Permit. Basically, the manual is an implementation guide for the overall quality management of the WXAV-FM facility. The focus is on the station's mission and development of the student's skill and knowledge base through personal growth. Major elements of the manual, *Welcome to WXAV*, include:

- Mission statement
- Staff responsibilities
- Code of conduct
- FCC Description and Rules
- Air Control Book - the paper-work
- WXAV License "Family Tree"
- Explicit language responsibility contract
- Noncommercial versus commercial radio
- WXAV's Community Service Mission
- WXAV's Music Mission
- Welcome to the studio
- Using the AP News wire

The manual is a living document, always growing and subject to amendment. It serves as the initial introduction to broadcasting. After exposure to the manual, students then serve in an apprentice role under the direction of a licensed operator until they feel they're ready to have their knowledge verified (rather than tested with its negative connotations). This verification represents a three-pronged approach to evaluation of the student in the following ways:

- Knowledge of FCC regulatory-related information contained in the manual
- Responsibility demonstrated in station operation and attendance
- Competence demonstrated in on-air performance

In addition to the knowledge and competency evaluations, students must submit a signed contract, shown in the manual, that specifies adherence to our interpretation of what constitutes airing explicit language. Once a student satisfies these conditions, WXAV-FM will pay the \$35.00 fee and submit the FCC Form 753 on the student's behalf.



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What are the payoffs for the college and the station for paying the fee? At this critical stage in the development of a new station, this practice has served us well. We now have a core staff ready and eager to begin operations. The right of passage from

WXAV apprentice to FCC legality has served to cement the bond between students and station administration. For the cost of \$35.00, we have students who are motivated.



# How Other Stations Deal With the \$35 Permit Fee

For the past year, college radio stations have been developing ways to deal with the FCC's \$35 operator permit fee. Should each person pay? Should the station pay? How it's handled often depends on the station's budget.

Due to limited budgets, at most stations, everyone needing an operator permit pays for it individually. However, where funding is available within their budget, some stations are able to absorb the full

cost, seeing the situation as a partnership with their staff people. (See the accompanying article about WXAV-FM, Xavier University, Chicago). Some stations - usually those with less available funding - pay only part of the \$35 fee. Of course, many stations simply can't afford to pick up any of the fee.

If your station pays all or any part of the cost, it's smart to insure your investment. A couple of

*Continued on page 20*



# Makin' Bacon

by Malcolm Gault-Williams



## WARNING

The following article contains explicit language!

*THIS ARTICLE DEALS WITH MATTERS CONCERNING broadcast obscenity and indecency. Within the article are explicit examples of strong language that may offend sensitive readers (and listeners). If you are offended by strong language, be forewarned and exercise your own judgement before reading further.*

*Unlike broadcasters who may, at least for the moment, restrict the broadcast of potentially objectionable language to late-night hours when children are unlikely to be listening, we cannot so "channel"*

*our magazine. Given the diversity of our readership, we were faced with the same frustrations as broadcasters: The specific words are important to illustrate and amplify our story. Do we include this language, even though it may offend some of our readers? Although the legalities of print provide a somewhat wider latitude, we have decided on a path parallel with broadcasters and have included the actual words, along with this "warning announcement."*

THE U.S. COURT OF APPEALS VINDICATED MANY of us in the broadcast industry this past May, when it struck down as unconstitutional the Federal Communications Commission's statutorily mandated 24-hour-a-day ban against broadcast indecency.<sup>1</sup> As a whole, most broadcasters greeted the decision with cautious optimism as a victory for the medium and for the First Amendment.<sup>2</sup>

I managed KCSB-FM, the University of California at Santa Barbara radio station, when the Federal Communications Commission issued it a warning letter on April 16, 1987,<sup>3</sup> for airing a song the Commission claimed contained indecent language. This was when the FCC unanimously adopted measures intended to sharply restrict explicit language about sex and bodily functions over radio, television, and telephone services. In moving for the first time in 9 years against "indecent" and "obscene" radio programming, the five member board issued warning letters not only to KCSB, but also to Pacifica Foundation's KPFK-FM in Los Angeles, and Infinity Broadcasting's WYSP, a commercial FM in Philadelphia.

In its May 1991 action, the court relied on its earlier 1988 ruling upholding FCC authority to enforce the prohibition against indecency, at the same time requiring it to create a "safe harbor." Although indecent programming is protected by the First Amendment, the court's 12-page opinion says the government may impose "carefully tailored" regulations to protect children from indecency. Yet, "the precision necessary to allow scope for the First Amendment-shielded freedom and choice of broadcasters and their audiences cannot be accomplished, we believe, unless the FCC adopts a reasonable safe harbor rule."<sup>4</sup>

"There wasn't a lawyer in Washington who believed the Court of Appeals would sustain a 24-hour

ban," said Steve Lerman, Washington attorney for Infinity Broadcasting, currently fighting an FCC fine levied for an "indecent" broadcast by WXRK-FM New York air personality Howard Stern. "The Commission did what they had to do in response to Congress' directive, but they knew they had a loser on their hands."<sup>5</sup>

As one noted writer has put it, "freedom of speech poses special problems. It can be difficult to define and quite often difficult to exercise."<sup>6</sup>

### Safe Harbor

The recent decision is "very important to the future of broadcasting generally," said Timothy Dyk, who represents the consortium of media and citizens groups - like the Intercollegiate Broadcasting System - that challenged the ban. "We will have to see where we go from here ... It doesn't mean the airwaves will be flooded with sex, but it will give broadcasters a little more freedom in a safe harbor period to deal with the subject."<sup>7</sup>

The concept of a safe harbor is certainly not new. It goes back even before 1978, and before *FCC v. Pacifica Foundation*.<sup>8</sup> The U.S. Supreme Court initially defined indecency in the landmark "Seven Dirty Words" case involving Pacifica's New York station, WBAI-FM, and a recorded monologue by comedian George Carlin. At that time, the court defined indecency as:

*"... language or material that depicts, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs."*<sup>9</sup>

At that time, the court specified that, to be found guilty of violating indecency restrictions, a station must broadcast a "barrage" of expletives (rather than an occasional utterance) in a time period when



children are likely to be in the audience. It was suggested that between 10:00 p.m. and 6:00 a.m., a "safe harbor" could be considered, due to the unlikelihood that impressionable younger children would be in the audience.

The 1987 action involving KCSB-FM attempted to limit or eliminate any safe harbor period for material with indecent language. As mentioned, the 1987 FCC action affected three different stations. WYSP's warning was in relation to DJ Howard Stern and "shock radio." Hardest hit was listener-supported KPFK which, according to the FCC, "may have crossed the line" by airing a play entitled "The Jerker." The work dealt with homosexuality and AIDS. David Salniker, Executive Director of the Pacifica Foundation, interpreted the FCC's markedly toughened stance on broadcast content, and what it called "patently offensive" material, as an effort "to make a statement satisfactory to the religious right of this country."

This would seem to be borne out in the case of the University of California, Santa Barbara campus' KCSB-FM, which was then found by the FCC to have committed "actionable indecency" by broadcasting, in 1986, a song titled "Makin' Bacon," recorded by a 1977 English studio band called the Pork Dukes. The lyrics in question included:

*Come here, baby, make it quick  
Kneel down there and suck on my dick  
makin' bacon is on my mind  
makin' bacon is on my mind*

*Turn around baby, let me take you from behind  
— Makin' Bacon, by the Pork Dukes, ©1977*

The FCC Mass Media Bureau Chief asserted that there now appeared to be a new "blue format" in radio, claiming he was "shocked" by the language attributed to KCSB and KPFK, and that he had "never heard language of this nature on the radio. It's a dramatic shift in the normal fare on many stations." However, the real threat was not from the FCC, but ultra-conservatives with connections into the White House and Congress.<sup>10</sup>

#### 24-hour Ban

In bolstering the argument for the 24-hour ban, FCC Commissioner Duggan said the FCC is responding to the "rising concerns about the level of indecency and obscenity on the public airwaves." Duggan quoted from a letter he received, in which a mother of four complained about feeling "overwhelmed" by the "horrible things" that enter her home via television and radio. The letter poignantly expressed the "loss of control" many parents feel in trying to instill in children "decent and humane" values. "They feel that even their homes have become alien territory, hostile ground," Duggan said.<sup>11</sup>

According to FCC Commissioner Sherrie Marshall, the 24-hour ban is in line with legal precedent. "The courts have recognized that the government has a compelling interest in protecting and facilitating parental supervision of our nation's chil-

dren," she said. "And on that basis the courts have upheld the regulation of indecency since radio and television are uniquely pervasive and accessible."

"Certainly protecting children is part of the overall public interest," concurred FCC Commissioner Quello. "It seems a 24-hour ban is needed to serve that purpose."<sup>12</sup>

"It's now up to the Commission to craft meaningful safe harbor rules," said Jeff Baumann, Executive Vice President and General Counsel for the National Association of Broadcasters (NAB), "that will provide broadcasters with the clear guidelines they need to conform fully with the law." NAB is a member of the challenging consortium and the largest organization of broadcasters in the country.

"We are delighted we won one for the First Amendment," said Peggy Charren, President of Action for Children's Television (ACT), another of the challenging groups. A 24-hour ban was "preposterous," she said. "Having to censor TV at 2 o'clock in the morning to protect children was kind of weird."<sup>13</sup>

It feels good to win one every once in a while! The skies were not always so bright. I remember not too long ago, when John Crigler, an attorney for Haley, Bader & Potts (who represent Pacifica) wrote:

*"... an 1,800 person bureaucracy has now intruded itself, wagging its finger, clucking its tongue, arching its eyebrow, warning, threatening, fining. The effect is to disrupt the relationship between the station and its listeners and to make the station edgy about almost any controversial programming it airs."*

As a result of the FCC's crackdown on "indecency," stations will be less inclined to air works that deal with sensitive adult topics, and listeners will be less likely to receive controversial works of artistic or journalistic merit. The "alternative" that alternative radio stations such as WBAI can offer has become smaller, paler, blander; possibly less "offensive" to the average listener, and almost certainly less interesting to anyone."<sup>14</sup>

When KCSB for "Makin' Bacon", Pacifica for "Jerker", and Infinity for shock jock Howard Stern were popped by the FCC, in 1987, all of us in the media were under attack, due to the narrowed definition of indecency and the questioning of the safe harbor period. In 1988, the appeals court affirmed the FCC's authority to prohibit broadcast indecency for the sake of children, except during safe harbors - times when the risk of having unsupervised children in the audience was low. However, finding that the FCC's limited midnight-to-6 a.m. safe harbor (set in the KCSB case) was arbitrary, the court ordered the FCC to conduct an inquiry into the viewing patterns of children.<sup>15</sup>

Before the FCC could act, Congress, led by Senator Jesse Helms (R-N.C.), passed Fall 1988 legislation imposing a 24-hour ban on broadcast indecency. Shortly thereafter, the FCC adopted implementing rules, prompting the court challenges





by broadcasters and First Amendment advocates that has now effectively assured some sort of safe harbor for programming matter some people may find objectionable.

The argument the FCC adopted in 1990 to support the 24-hour ban is based on the Supreme Court's 1988 *Sable* decision involving telephone indecency, or so-called dial-a-porn. In that case, the Supreme Court found that indecent speech may be regulated if it promotes a "compelling" governmental interest and if it is "narrowly tailored" to serve that interest. The FCC argued, in essence, that a 24-hour ban was a "narrowly tailored" way of promoting the government's interest in protecting children from the harmful effects of indecent broadcasts. The FCC concluded that children watch or listen to broadcasts around the clock. Given that finding, more narrowly tailored alternatives such as safe harbors and "technological restrictions" were insufficient.<sup>16</sup>

At oral arguments in *Action for Children's Television v. FCC*, Chief Judge Abner Mikva challenged FCC arguments that the 24-hour ban meets the constitutional test of being a "narrowly tailored" means of promoting a "compelling" governmental interest. Addressing particularly the congressional legislation of 1988, Mikva questioned:

*"[Congress] did not set out to do a narrow tailoring job, did it? It specifically rejected the fine lines the Commission and the courts have been crafting over the years about 'safe harbors.' That was clearly the stated purpose to the legislation. Isn't that correct?"<sup>17</sup>*

FCC General Counsel Robert Pettit conceded that Congress' aim was to do away with safe harbors. A 24-hour ban, Pettit concluded, would "effectively and feasibly serve the government's interest" in protecting the "psychological and physical well being of children."<sup>18</sup>

Timothy Dyk, the Washington attorney representing our coalition, has consistently made the case that a 24-hour ban unconstitutionally restricts adults' access to news programs, serious drama, motion picture, music and anything else that meets the FCC's definition of indecency. The situation is aggravated, Dyk agrees, by "the uncertainty and vagueness" of the FCC's definition.<sup>19</sup>

### Makin' Bacon at KCSB

That was the thing that got us at KCSB-FM: it was all so *vague*. We were not alone; all non-commercial educational radio stations seemed to be with us on this one. Additionally, most attorneys specializing in broadcast regulation generally saw a problem with "the vagueness" and the "expansiveness" of the 1987 standard the FCC established for judging indecency.<sup>20</sup>

The 1987 FCC warning to KCSB stemmed from complaints filed by a regular KCSB listener, Santa Barbara resident Nathan Post. He wrote KCSB in 1983, complaining about some of the lyrics contained in rock songs aired at the station. As station

manager, my initial response was to thank Post for providing the station management and programmers with needed feedback. However, I maintained:

*"... it is not for me to contribute to the suppression of pent-up hostility and frustration. These are caused by censorship — personal as well as through the media... I will always encourage KCSB to be a forum of free thought."<sup>21</sup>*

Well, you gotta have an ego if you're going to work in broadcasting, but little did I think, at the time, how far this issue would be taken. Nathan did not accept my response and went on to write the campus Chancellor, the President of the University, the Governor, and the FCC. UC President David Gardner had Managing University Counsel Gary look into the issue and counsel responded directly to Post in the Fall of 1985. Still getting no real satisfaction, Post — an avid KCSB listener and, at times, a financial contributor — took his concerns to the Parents Music Resource Center. The PMRC actively seeks the elimination of objectionable material in music and on radio and television. From the PMRC, Post's complaints went straight to the personal attention of the FCC in 1987.

"I believe the media has a minimal responsibility to maintain decency," Post stated. He felt KCSB was "under the impression that as long as the DJ doesn't say the F-word on the air, they can play anything they want."<sup>22</sup>

At KCSB, we renamed our programming board the "Programming, Mediation & Review Committee" just so the initials would read "PMRC." At least some of us were laughing over the ridiculousness of it all. Yet, the other PMRC, an influential Virginia-based social awareness group composed primarily of congressional members' wives, was a real threat to college radio in the late 80's and, to some degree, continues to be.

FCC Commissioner Duggan has referred to parents who expect the FCC to protect the broadcast airwaves from "indecency" and who are supported by such groups as the PMRC, as neither "enemies of the Constitution" nor "extremists." They need the support of the society and culture."<sup>23</sup>

Morality in Media, another conservative group, hailed the 1987 indecency action against KPFK, WYSP, and KCSB as an "historic" step, "a refreshing shower after eight years in the desert of overheated rock lyrics and scatological disc jockeys." Now that the 24-hour ban has been struck down, they may be thinking they're back in the desert.

David Hicks, the current National Association of Broadcasters (NAB) chairman, said he hoped the recent court action:

*"...will send a signal to the Commission to develop clear guidelines for broadcasters in dealing with the indecency issue. As a radio broadcaster I certainly am not advocating the programming of indecent material, but the court has said there must be First Amendment protection for so-called indecent pro-*





gramming, so broadcasters need to have some guidance regarding what they can and cannot have on the air.”<sup>24</sup>

KCSB's 1987 programming policies stipulated that objectionable material be played late at night. Section 1464 of the criminal code prohibits the broadcast of obscene, profane, or indecent material. The Communications Act of 1934 empowers the Federal Communications Commission (FCC) to impose a range of civil sanctions when a violation of Section 1464 occurs, including the issuance of warnings, the imposition of fines and, in severe cases, the revocation of licenses.

Willful violators of Federal Communications Commission rules and regulations can receive a maximum fine of \$500/day for each violation. There is the possibility of loss of radiotelephone operator licenses, the levying of fines up to \$2,000/day for the licensee and loss of the station's license to broadcast. Taking this into account, it's important to know the distinctions between various language. Here's how we defined them at KCSB:<sup>25</sup>

**Obscenity** – The FCC has ruled that obscene broadcasts do not, at any time, constitute protected free speech under the First Amendment. Obscenity appeals to the prurient interests, depicts or describes sexual conduct in a patently offensive way and “taken as a whole, lacks serious literary, artistic, political, or scientific value.” The broadcast of obscene material is prohibited at all times.<sup>26</sup>

**Profanity** – The American Heritage dictionary defines profanity as “abusive, vulgar or irreverent language.” In other words, profanity is the type of verbal expression you might utter if you hit your thumb with a hammer. Court cases involving the issue of profanity have stated that language meant as “an imprecation of divine vengeance or implying divine condemnation, so used as to constitute a public nuisance” is profane. This infraction occurs when “someone who says God damn really means God damn.”<sup>27</sup>

In a live program, a guest may reasonably be permitted an expletive to slip spontaneously; however, if the program is taped to be repeated, objectionable language must be erased. If profanity exists on any other type of recorded program material, it cannot be aired. There is only one exception to this and that is concerning “The 7 Dirty Words.” (See Indecency, below).

Operators should never utter **profanity** over the airwaves.

**Indecency** – Indecency in the broadcast media is a sensitive issue. The content of broadcast material is primarily up to the judgment of the programmer; however, s/he is responsible for adhering to FCC guidelines.

Reasonable time and place restrictions are placed by the federal government on broadcasts deemed indecent based on a “community standard.” In the most recent cases, the FCC – not the local community or state – determined what the “community

standard” is. According to the FCC, indecency not only includes the “Seven Words You Can Never Say on Television” (cocksucker, fuck, motherfucker, cunt, shit, piss, and tit) George Carlin made famous in the landmark *Pacific* case, but also includes the more generic definition of:

*“language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs.”*

**Indecency** will be actionable if broadcast at a time of day when there is a reasonable risk that children are in the audience.<sup>28</sup>

Following the FCC scrutiny of our operations, we updated our policy on indecency, getting very specific:

1. Broadcast “objectionable material” (i.e. indecent material) only during the “Safe Harbor” period, between the hours of midnight and 6:00 a.m. Objectionable material is defined as any material that may fit the above generic definition for indecency.

2. If a programmer wishes to broadcast indecent material (objectionable material) during the hours of midnight to 6:00 a.m., a Channelling Announcement must be aired preceding airing of such material and each hour (at the top of the hour) such material may be aired. This announcement may be broadcast at other times the programmer thinks is appropriate.

The issue for us at KCSB was not whether the material should be played. Even the Vice Chancellor recognized “There are very important First Amendment issues involved in this matter... there will be those citizens who object to it and those who will defend it.”<sup>29</sup> For the student and professional management at KCSB, the real issue was where the safe harbor was going to be and what this ruling would do to our ability to air public affairs programs of social importance.

### The First Amendment<sup>30</sup>

Heritage Media Radio Group President Paul Fiddick recently said he was pleased to see the court of appeals address the constitutional issues of indecent programming, and expressed dismay that many people are “willing to chuck the First Amendment when it protects speech that is disagreeable to them.” Fiddick questioned the need for a safe harbor, altogether, for such programming, because very little radio programming actually required such protection and because listeners who desire to hear a reading of a Pulitzer prize-winning drama “shouldn't have to tune in between midnight and six in the morning.”<sup>31</sup>

“I think there is a very substantial question as to whether what the Commission is doing is constitutional,” Timothy Dyk argued in 1987.<sup>32</sup> More recently, representing 16 media organizations, he said:

*“There can be no question... that the First Amendment protects indecent, non-obscene speech. It is*





equally clear that the government, whether by congressional or agency action, cannot impose a blanket ban on protected indecent speech and thus 'reduce the adult population' to seeing and hearing 'only what is fit for children.'<sup>33</sup>

At the University of California, we drew a line between offensive lyrics and obscene speech or profanity. UC Counsel asserted that offensive lyrics in music are entitled to First Amendment protection, as determined in *Citizens Committee to Save WEFM v. FCC* (1974, 506 F.2d 246, 251):

*"Important First Amendment rights are at stake when music formats are regulated. Music and other forms of cultural expression are traditionally protected under the First Amendment. In addition to its artistic value, music, both classical and popular, can be an important mode of political and moral expression. There is even the possibility of repression when, for example, the lyrics of popular songs communicate controversial ideas. Danger lurks in government regulation of what music can be put on the airwaves."*<sup>34</sup>

While the University's legal counsel acknowledged that the First Amendment does not protect obscene speech, counsel noted in *Miller v. California* (1973, 413 U.S. 15), that the test for determining obscenity is so "stringent it's doubtful recorded music lyrics played on KCSB could meet it."<sup>35</sup>

"It seems to me that there are much more important questions to be asked," stated former FCC Chairman Mark Fowler. "Is this the best use of broadcasting? Is this the way we want to entertain and inform and inspire people in the audience? Is this the legacy that you, the broadcasters, want to foster, preserve and bequeath?"<sup>36</sup>

As noted, the FCC does have some authority to revoke a station's license or impose penalties for indecent language over radio.<sup>37</sup> Yet, even the federal law granting authority to the FCC specifically indicates that the law is not to be:

*"... understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."*<sup>38</sup>

Since an obscenity finding requires a local court to determine that material has violated local community standards, the bottom line in KCSB's case with indecency was that even a song – as offensive as the Pork Dukes' *Makin' Bacon* obviously was to some people like Nathan Post – is not subject to regulation by the agency when broadcast late at night.

A survey of lawyers well versed in First Amendment law reveals an overwhelming majority feel the Commission's April 1987 indecency action was as ill considered as it was surprising. Bruce Sanford, of Baker & Hostetler, said he found it "astounding" that the FCC would return to "the briar patch of content control." Henry Geller, who heads Duke University's

Washington Center for Public Policy Research, was also "astounded" that the Commission of first Fowler, then Dennis Patrick, and now Al Sikes, would adopt such rulings, especially after claiming to want to set print First Amendment guarantees as a "model" for broadcasting. He called it "a step backward." Timothy Dyk stated: "I see some inconsistency between the Commission's general approach to First Amendment issues, which is extremely sensitive, and what it has done on indecency."<sup>39</sup>

Charles D. Ferris, who was chairman of the FCC when the Supreme Court issued the *Pacific* decision and who made it clear at the time that the Commission would not use it as a license to seek out "indecency" cases, finds it "unsettling" when a government agency "makes a value judgement on a statement." Ferris suggested the license renewal process as the most appropriate forum to resolve questions on "indecent" programming. Ferris said that during the process, anyone convinced of a station's programming not being in the public interest could seek to supplant the licensee at license renewal time. "That's a less intrusive way of seeing the communities are served."<sup>40</sup> By the way, KCSB's FM broadcast license renewal is currently being held up over this same issue.<sup>41</sup>

### University Control Issue

In the process of attempting to appease conservatives, the Federal Communication Commission forced the University of California to re-examine its historical stand towards its 5 broadcast and 3 cable radio stations, statewide. The University initially stated:

*"Under well established First Amendment legal principles, there is little that the University can do to control the content of student expression... The fact that the University sponsors, creates, or funds such expression gives it not power to censor."*<sup>42</sup>

UC Santa Barbara tended to take the position that "the station should regulate itself."<sup>43</sup> As noted, KCSB has specific standards of what constitutes obscene, profane and indecent language. Further, it has internal mechanisms established for sanctioning programmers who violate programming and station policies. Yet, these were not good enough for the inquiring FCC. After we received a warning letter that did not go in our file and would – supposedly – not jeopardize us at license renewal time, the Commission directed its Mass Media Bureau:

*"... to make further inquiries as to whether the University of California exercises the degree of control over KCSB-FM required by Commission licenses."*<sup>44</sup>

This was where the real danger lay for us. As many of us in IBS are sometimes painfully aware, many institutional licensees operating college radio stations do not closely supervise what essentially are predominantly student extramural activities in broadcasting. The FCC probing required some fancy foot and paper work. For me, it was challenging and





a unique opportunity to be on the inside of this issue, helping direct the University's response. While the Regents of the University of California did not want to "regulate the content of programming that is presented on campus radio stations," the University was obligated to abide by federal law as set forth in the rules and regulations of the FCC as a regulatory agency.<sup>45</sup>

### The Chilling Effect

FCC Commissioner Quello claims his concurring statement in the original 1975 *Pacifica* case (upheld by the Supreme Court in 1978) to be prophetic:

*"I am concerned that our new standard for indecent language is adulterated to the extent that it becomes an invitation to a few broadcasters to seize on the late evening hours as a showcase for similar types of garbage programming under the guise of literary, artistic, political or scientific value. They will note that the audience is composed of a minimum of children, and their programming caveats will be considered to be sufficient warning for the unsuspecting listener. Then this Commission will sooner or later be faced with judging the content of such programming on the merits under the standard adopted ..."*<sup>46</sup>

In his concurring statement concerning *Pacifica*'s KPFK in the matter of the 1987 warnings, Commissioner Quello declared: "Never did I believe my words would be so prophetic. Twelve years later, the Commission faces the same issue with the same licensee. I still believe such language is garbage. The only difference being that after a dozen years, the garbage smells worse."<sup>47</sup>

Clearly, the biggest target has been *Pacifica*. Said David Salniker, Executive Director of the *Pacifica* Foundation: "We now find that (what) was permissible is literally charged to be a crime."<sup>48</sup> Salniker claims that the FCC-imposed 24-hour ban was "strictly motivated by politics," and said the present commissioners are politically committed to "enforce indecency standards as promised to self-styled morality groups, in order to stay in office." Salniker also asserted that "Congress acted wrongly and hastily for political reasons, the FCC acted hastily and wrongly for political reasons and it's the industry that continues to suffer."

Salniker has been vocal in his warnings to all broadcasters who may believe the indecency issue affects only a handful of shock jocks. Most indecency complaints received by the FCC in the last five years have focused on sitcoms on commercial television or movies that were aired by independent TV stations. "In the last 20 years only two complaints have been filed against *Pacifica*," Salniker attests, "and both came from evangelist ministers who subsequently tried to raise a great deal of money on this issue."<sup>49</sup>

"There is certainly more confusion today than before the (1987) FCC ruling," said Mel Karmazin, President of Infinity Broadcasting. He added: "If the

FCC is clear as to what they don't want aired, and if it's constitutional, we would comply." Prior to 1987, explained Karmazin, "We took the seven dirty words and we said, 'Don't say these things,' and Howard Stern never said those things. Now if they say, 'Now it's 12 dirty words,' Howard will not say those things. If they're saying, 'You can't discuss sex on the radio,' we don't think we'll conform with that. We'll fight that on constitutional grounds."<sup>50</sup>

In KCSB's case, the FCC found that a broadcast made on July 26, 1986:

*"...made several clearly discernible references to sexual organs and activities, and that these references are patently offensive as measured by contemporary community standards for the broadcast medium. In addition, as we noted in Infinity, innuendo can be, and in this case is, rendered explicit by surrounding explicit references that make the meaning of the entire discussion clear. Although the material aired does not involve the specific seven words at issue in the *Pacifica* case, we find that it would be actionable under our clarified definition of indecency set forth today."*<sup>51</sup>

This is why the warning letter did not go into our official FCC file and was not supposed to jeopardize KCSB come license renewal time. The no-no we committed was before the definition of indecency was expanded. Concerning KCSB's consideration of copyrighted lyrics, the FCC made a point:

*"...to take this opportunity to make it clear that song lyrics enjoy no special protection, and those licensees who choose to broadcast songs containing indecent lyrics are subject to the same regulatory standards that are applied to any other utterances made by means of radio communication."*<sup>52</sup>

About the time of broadcast, the Commission declared:

*"...we find that the song was broadcast at a time when there was reasonable risk that children may have been in the audience. The Commission in the past has indicated that it might be permissible to air programs containing indecent material after 10 p.m. when accompanied by a warning but, as clarified today, no such arbitrary time of day will govern hereafter. Data concerning audience composition must be examined to assess the risk that children may be present. In this context, we note that a significant number of children remain in the Santa Barbara area radio audience during the time here in question according to available audience survey information."*<sup>53</sup>

The FCC's 'available audience survey information' for the Santa Barbara area consisted of: Arbitron Ratings for radio, Fall 1986, the 1980 U.S. Census of Population, and California's General Population Characteristics. The available data (almost totally Arbitron) indicated that approximately 1,200 children between 12 and 17 years of age were still in the radio audience, per average quarter hour, in the Santa Barbara area between 7:00 p.m. and midnight on Saturday evenings. It didn't matter that they were





probably in bed and asleep by ten. There were approximately 4,900 children within this age group within the City of Santa Barbara and 27,800 in the county.

Lastly and certainly minor compared to the other items, the FCC noted that:

"...although station KCSB-FM broadcast 'Makin' Bacon' shortly after 10 p.m., no warning was given beforehand, contrary to prior Commission guidance. See *Pacifica Foundation*, 56 FCC 2d at 99. While a warning is not sufficient to restrict adequately minors' access to indecent material, the Commission will continue to expect advance warnings to be given when broadcasters choose to air indecent programming at a time when there is not a reasonable risk that children may be in the broadcast audience."<sup>54</sup>

KCSB's respondent plan, as previously noted: Objectionable material was channeled to the hours of midnight to 6 a.m., rather than 10 p.m. to 6 a.m., with hourly announcements to encourage listeners sensitive to indecent language or references to sexual acts or organs to tune out. Public affairs programs, throughout the day and night, are treated specially simply by running a warning prior to the program, as well as airing the standard disclaimer afterwards ("The views represented do not necessarily reflect...."). Student leaders at KCSB were influential in the creation of University of California Radio Network (UCRN) systemwide programming guidelines.

In the Fall of 1987, the FCC indicated that the University of California had exhibited "a degree of delegation of control that may go to the unlawful." The FCC, thereafter, treated its investigation of KCSB and University control in much the same manner as it conducted its investigations of WXPB-FM, in the mid-1970's. In the WXPB case, the University of Pennsylvania lost the privilege of broadcasting for a year, due to lack of effective delegation of authority because of an unclear "chain of command." The University of California consistently responded to the FCC inquiries that it is not inclined to prior censorship, but does maintain professional and direct oversight over KCSB's operations and programming.

Heritage's President Fiddick has called the issue of indecent programming "...probably the most overrated issue in the industry today on the regulatory front." He observed that a few "egregious" cases have attracted a disproportionate amount of notoriety, primarily those personalities whose on-air acts depend on "constantly pressing the boundaries of good taste." Reflected as a percentage of total radio programming in terms of stations, hours of service and people listening, "...it's an insignificant fraction of what's going on the air."<sup>55</sup>

Yet, for those of us that have to deal with broadcasts that some people find objectionable, the indecency issue is an important one. One of those people is Pacifica's Salniker, who has also been vocal in bringing people's attention to the "chilling part of a

political agenda to censor and chill school boards, librarians and cultural artists." In speaking of the recent court of appeals decision, Salniker said, "It takes a court ruling like we just had to make some progress, but it's not a lot of progress. The industry is no better off than it was three years ago, when it was in a totally undefined state. It still is."<sup>56</sup> □

*Malcolm Gault-Williams, a 23-year veteran of radio and television, is General Manager of KUNM-FM, licensed to the University of New Mexico, in Albuquerque, New Mexico. He also works with the IBS Station Relations department. Between 1983 and 1990, Malcolm managed the University of California's KCSB-FM, in Santa Barbara, California.*

<sup>1</sup> *Broadcasting*, May 20, 1991, p. 33.

<sup>2</sup> *Broadcasting*, May 27, 1991, p. 41.

<sup>3</sup> Gault-Williams, M., "The Chilling Effect," *Livewire*, KCSB-FM Program Guide, 1987. Printed by ASUCSB, University Center, Room 3185A, UCSB, Santa Barbara, CA 93106.

<sup>4</sup> *Broadcasting*, May 20, 1991, p. 33.

<sup>5</sup> *Broadcasting*, May 27, 1991, p. 41.

<sup>6</sup> *Parade Magazine*, "Are There Limits to Free Speech?" by James A. Michener, November 18, 1990, p. 4.

<sup>7</sup> *Broadcasting*, May 20, 1991, p. 33.

<sup>8</sup> *FCC v. Pacifica Foundation* (1978, 438 U.S. 726); see also *WGBH Educational Foundation* (1978, 69 FCC 2d 1250).

<sup>9</sup> *ibid.*

<sup>10</sup> Gault-Williams, op. cit.

<sup>11</sup> *Broadcasting*, July 16, 1990, p. 31.

<sup>12</sup> *ibid.*

<sup>13</sup> *Broadcasting*, May 20, 1991, p. 33.

<sup>14</sup> *NFCB Community Radio News*, December 1990, p. 6. Available thru NFCB, 666 11th St., NW, Washington, D.C. 20001. See also WBAI Folio, WBAI program guide, November 1990.

<sup>15</sup> *Broadcasting*, July 16, 1990, p. 31.

<sup>16</sup> *ibid.*

<sup>17</sup> *Broadcasting*, February 4, 1991, p. 40.

<sup>18</sup> *ibid.*

<sup>19</sup> *ibid.*

<sup>20</sup> Gault-Williams, op. cit.

<sup>21</sup> Gault-Williams, op. cit., p. 10.

<sup>22</sup> *ibid.*, p. 11.

<sup>23</sup> *Broadcasting*, July 16, 1990, p. 31.

<sup>24</sup> *Broadcasting*, May 27, 1991, p. 41.

<sup>25</sup> *KCSB Legal Training Handbook*, updated 1989. ASUCSB, University Center, UCSB, Santa Barbara, CA 93106.

<sup>26</sup> *Public Radio Legal Handbook*, printed by the National Federation of Community Broadcasters, updated 1988.

<sup>27</sup> *Public Radio Legal Handbook*, op. cit.

<sup>28</sup> *KCSB Legal Training Handbook*, op. cit.

<sup>29</sup> Gault-Williams, op. cit., p. 4.

<sup>30</sup> For a more in-depth analysis of First Amendment issues relative to broadcasting, see *The Journal of College Radio*, Vol. 23, Number 4, "Censorship and the Media," by John E. Murphy, General Manager of WHUS-FM and Director of Station Relations for the Intercollegiate Broadcasting System (IBS), 1989-90. Available thru IBS, Box 592, Vails Gate, NY 12584-0592.

<sup>31</sup> *Broadcasting*, May 27, 1991, p. 42.

<sup>32</sup> Gault-Williams, op. cit., p. 5.

<sup>33</sup> *Current*, December 3, 1990, op. cit.

<sup>34</sup> 1974, 506 F. 2d 246, 251.

<sup>35</sup> Gault-Williams, op. cit., p. 6.

<sup>36</sup> *ibid.*, p. 5.

<sup>37</sup> 18 U.S.C. § 1464; 47 U.S.C. § 312 and 503.

<sup>38</sup> Gault-Williams, op. cit., p. 7.

<sup>39</sup> *ibid.*

<sup>40</sup> *ibid.*, p. 8.

<sup>41</sup> Telephone conversation with Associated Students of the University of California, Santa Barbara Executive Director Tamara Scott, July 1991.

<sup>42</sup> The University of California cited *Joyner v. Whiting* (4th Cir. 1973) 477 F. 2d 456; *Trujillo v. Love* (D.C. Colo. 1971) 322 F. Supp. 1266; *Antonelli v. Hammond* (D. Mass. 1970) 308 F. Supp. 1329; *Bazaar v. Fortune* (5th Cir. 1973) 476 F. 2d 570; *American Civil Liberties Union of Virginia v. Radford College* (W.D. Va. 1970) 315 F. Supp. 893.

<sup>43</sup> Gault-Williams, op. cit., p. 9. Assistant Vice Chancellor for Student and Community Affairs Harleen McAda quoted.

<sup>44</sup> Gault-Williams, op. cit., p. 10.

<sup>45</sup> *ibid.*, p. 11.

<sup>46</sup> *Pacifica Foundation Station (WBAI)*, 56 FCC 2d 94, 103 (1975).

<sup>47</sup> Gault-Williams, p. 12.

<sup>48</sup> *ibid.*

<sup>49</sup> *Broadcasting*, May 27, 1991, p. 42.

<sup>50</sup> Gault-Williams, p. 13.

<sup>51</sup> *ibid.*

<sup>52</sup> *ibid.*

<sup>53</sup> *ibid.*

<sup>54</sup> *ibid.*, p. 14.

<sup>55</sup> *Broadcasting*, May 27, 1991, p. 42.

<sup>56</sup> *ibid.*



# Making Computers Work

by Bob Shrader, KAT Station Adviser  
Southwest Texas State University

FOR KAT

OUR STATION, WHICH SERVES AS A LABORATORY for students in Broadcast Journalism at Southwest Texas State University, abandoned typewriters almost a decade ago. The station's news operation uses a PC-based Novell network for news writing and associated record keeping. That network, which includes a customized version of a shareware word processor, is also used by the students in television news and by some of the radio station department heads. We have ten PC clones, from XT's to AT's, available to students on the system, and the long-range plan calls for the addition of more terminals.

We also have two older Tandy 1000 PC's with hard drives operating as stand-alone terminals. These are used by station department heads for routine business. These clunkers are slow, but as we upgrade our computers, we seem to find new uses for the older ones. The addition of hard drives to the Tandy 1000's made them more practical. A new 386SX PC clone with hard drive will be put into use for similar business purposes in the Fall.

Our station is committed to PC computers. We made that decision because we are part of a broadcast journalism operation producing graduates who will work in a PC-based news room environment when they get out of school. *Ed. Note: Many news operations have adopted the Macintosh in place of MS-DOS because of its flexibility and ease of use.*

When planning future purchases, we look at the uses of computers, both immediate and long-range. A hard drive is essential for any computer to be operated as a stand-alone machine. Computers tied to a network do not necessarily need a hard drive because they utilize the hard drive(s) of the network server. We're also including both 5¼" drives and 3½" floppy drives on new computer purchases.

Since our funds are limited, we are concerned about costs and the ability to get as many computers as our students need. That leads to the question of whether to commit to Windows, an operating environment trying to simulate the Macintosh user-friendly environment. Our answer to that is no. To work effectively, Windows requires a minimum of four megabytes of RAM, which drives up the cost of the computer.

While we have rejected Windows, we have not forgotten about the need to make it easier for students to operate the programs we run. Since the station has a large turnover of student administrators each semester, we are concerned about the program learning curve and maintaining the integrity of station data bases. The programs should be as user-

friendly as the computer's system will allow.

Our students use a word processor, PC-Write, to produce program logs and write memos and correspondence. We have tried PC-File, AskSam, and a simple database program that came packaged with some PC's we purchased for phone lists, music library, etc. The word processor is difficult to use for making wholesale changes in the log. All of the databases we have tried have various shortcomings. However, I believe we have located the solution to both problems in one utility program, HyperPAD.

HyperPAD 2.2 is a text-based program that provides a computer klutz with the tools to create operating buttons, data fields, and paint screens within a unit called a PAD. The operator can produce PADs to get into other programs or produce customized databases. Many PADs can be created by simply copying features of the many PADS that accompany the program. More complex PADs can be written using an easy-to-learn script language. An earlier version of HyperPAD had problems on some clones, but the 2.2 update appears to have fixed virtually all of them. However, the best news about the program is that it is now shareware. The programmer asks that if the program works well, the user send money directly to the programmer. It should now be available from most of the firms that market shareware. It can also be downloaded from the Brightbill-Roberts section of one of the PC Vendor forums on CompuServe, a national online service reached by modem through a local telephone number.

If I sound like a convert to HyperPAD, I am. I've written a PAD that handles a complex scheduling scheme for students in one of my labs. I'm preparing to convert another computer lab to PC's with an interface PAD that opens students' word processor, prints their scripts, formats their diskettes and lists the contents of their floppy disks without the students ever seeing DOS prompts. I've written both of these PADs myself with no programming background. I'm working on a PAD that will automatically produce a radio station program log with the entry of program, PSA, and promo orders in a database, and we plan to put all of the Station KAT music library on a customized HyperPAD database.

I hope this information is helpful. I'll share anything that I've done with people who are interested. Incidentally, the PADs' can usually be run with a royalty-free runtime called a Browser, which is now distributed with the HyperPAD diskettes. So, a college station acquiring a PAD from another station would not necessarily have to invest in HyperPAD. ☐



*Continued from page 11*

requirements are suggested: successful completion of a training program and a minimum period of time spent as an active member of the station's staff.

Your station shouldn't be paying permit fees for people who don't take the time needed to learn about your station, FCC requirements and all of the other information included in a training program. Also, you don't want to pay permit fees for someone who decides to leave the station after just a few weeks.

That's why a number of stations have made the successful completion of a training program a prerequisite for completing an FCC permit application. This insures that each person will have at least some working knowledge of the station and the FCC rules and regulations. While the station management holds, completes, and forwards the permit application forms, each person pays their own \$35 fee. Then, if the station can provide some funding, after a minimum active stay of a semester or two on the station staff, each person gets reimbursed either the full amount or other agreed-upon portion of the \$35 fee.

Not every station can afford the full \$35-per-person fee, but there are ways of stretching the budget. Reimbursing only half the amount, for example, means the station can subsidize twice as many people. Further savings come from not having to fund those who decide to drop out of the station. Still, depending on the size of your incoming staff, the cost can be substantial given limited budgets.

If your station works with community volunteers to supplement the student staff, questions may be raised regarding the use of school funds to subsidize non-student permit fees, particularly if your station funding comes from student activities fees. That question has to be decided by each station because attitudes regarding the acceptance and value of community volunteers differ from station to station and school to school.

In any case, stations should not try to cut corners with the FCC rules on operator permits. Everyone who needs a permit should have one. If there is not a licensed operator on duty and in charge of your transmitting equipment, your station should not be

on the air. While it's true that an unlicensed operator may run the equipment under the direct supervision of someone with a permit, what happens if, (or more likely, when), the licensed operator has to leave? After all, for experienced operators, it's not much fun to stand around watching someone else run the board.

Remember too that the temporary permit – the bottom part of the 3-part FCC Form 753 application – is valid for only 60 days from the date you mail the upper Parts 1 and 2 with your \$35 check. By completing and signing this temporary permit, you are certifying that you have, in fact, mailed Parts 1 and 2 and your check on the date shown. If you haven't yet mailed this material to the FCC, then you shouldn't sign the form.

Look over the operator permit application form carefully. Make sure you print or sign your name and date in every place designated. It's easy to overlook one or more spots since the information is repeated. Don't forget to include your name and return address in the blank space on Part 2 of the form. That's how your permit gets sent back to you. An omission could end up costing you an additional \$35 to reapply.

In Part 1, you are certifying, among other things, that you are familiar with the FCC rules and regulations governing the radio station which you will be operating. In other words, you should know the rules before you sign. IBS member stations can receive a copy of the *IBS FCC Checklist for Non-commercial FM Stations* by simply requesting it. It serves as a handy reference for teaching about the FCC rules in your station training program as well as a convenient way to self-inspect your station.

Finally, the address on some of the printed FCC Form 753's is no longer correct. Mail the application form and your check to:

FCC - Restricted Permit  
P O Box 358295  
Pittsburgh, PA 15251-5295

While we continue our efforts to have the \$35 fee repealed as it applies to those working at non-commercial stations, it appears we'll have to live with it for at least the immediate future. ☐

Jeff Tellis



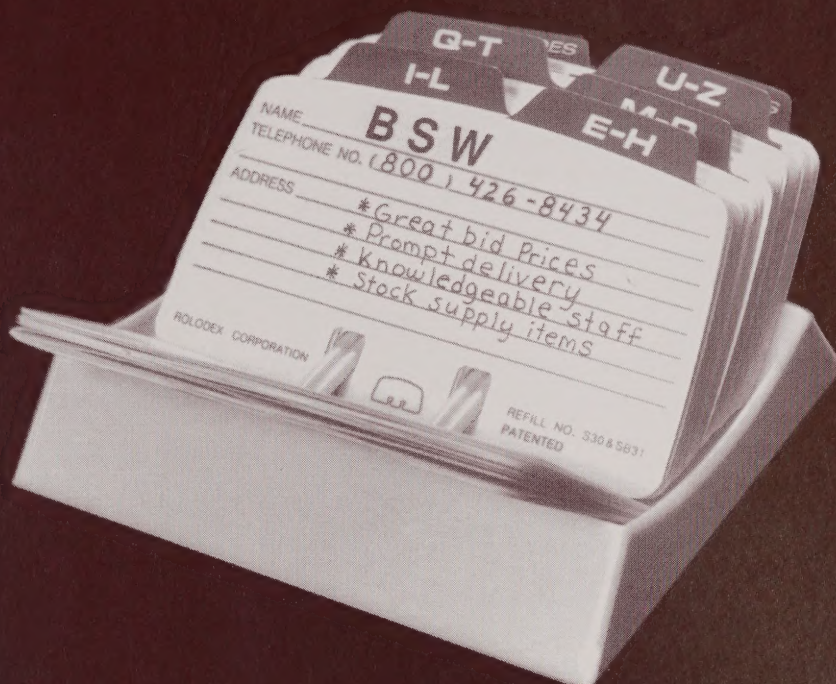
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### WEDNESDAY, OCTOBER 30, 1991

5:00 PM - 10:00 PM  
REGISTRATION

8:00 PM  
MUSIC MARATHON LIVE! CLUB SHOWCASES

### THURSDAY, OCTOBER 31, 1991

8:00 AM - 5:00 PM  
REGISTRATION

10:00 AM - 5:00 PM  
EXHIBITS  
Nieuw Amsterdam West Ballroom, Foyer

12:00 PM - 5:00 PM  
COLLEGE RADIO WORKSHOP  
The Liberty Room

12:30 PM - 1:45 PM  
MUSIC PUBLISHING: SONGWRITING & OPPORTUNITIES  
The Broadway Suite

THE INDIE CONCLAVE  
The River Suite

TEN YEAR'S AFTER: WHAT HAS VIDEO TAUGHT US?  
The Park Suite

RECORD PRODUCTION: FROM STUDIO TO MASTER  
Nieuw Amsterdam Center Ballroom

2:00 PM - 3:15 PM  
ALL THAT JAH  
The River Suite  
ALL RAPPED UP: RAP & RADIO  
The Park Suite

ALTERNATIVE MUSIC MARKETING: ART & COMMERCE  
Nieuw Amsterdam Center Ballroom

3:30 PM - 4:45 PM  
MERCHANDISING & LICENSING: A FISTFUL OF DOLLARS  
The Broadway Suite

SIGNED, SEALED & ABANDONED: WHEN THE MUSIC'S OVER  
The River Suite

MUSIC JOURNALISM  
The Park Suite

BEATING THE ODDS: NEW ARTIST DISCOVERY & DEVELOPMENT  
Nieuw Amsterdam Center Ballroom

8:00 PM  
MUSIC MARATHON LIVE! CLUB SHOWCASES

### FRIDAY, NOVEMBER 1, 1991

8:00 AM - 5:00 PM  
REGISTRATION

10:00 AM - 5:00 PM  
EXHIBITS  
Nieuw Amsterdam West Ballroom, Foyer

11:00 AM  
KEYNOTE ADDRESS  
Nieuw Amsterdam Ballroom

Freddie Dannen, Author of the bestselling book "Hit Men."



1:30 PM - 2:45 PM  
NEW COUNTRY, NEW ARTISTS  
The Broadway Suite

THE CAMPUS NETWORK: CONCERTS, RADIO, RETAIL & PROMOTION  
The River Suite

SONGWRITERS WORKSHOP  
The Park Suite

CAREER DEVELOPMENT IN THE MUSIC INDUSTRY  
Nieuw Amsterdam East Ballroom

POP CULTURE & INFLUENCE  
Nieuw Amsterdam Center Ballroom

3:00 PM - 4:15 PM  
PRODUCT MANAGEMENT  
The Broadway Suite

PRACTICAL BOOKING STRATEGIES FOR NEW ARTISTS  
The River Suite

THE DEMO TANK  
The Park Suite

RAP ARTISTS PANEL  
Nieuw Amsterdam East Ballroom

RECORD PROMOTION & COLLEGE RADIO  
Nieuw Amsterdam Center Ballroom

8:00 PM  
MUSIC MARATHON LIVE! CLUB SHOWCASES

### SATURDAY, NOVEMBER 2, 1991

9:00 AM - 3:00 PM  
REGISTRATION

10:00 AM - 3:00 PM  
EXHIBITS  
Nieuw Amsterdam West Ballroom, Foyer

11:00 AM - 12:15 PM  
UNITY IN MUSIC: WORLD BEATS AT LARGE  
The Broadway Suite

FINE PRINT & FINE LINES: BUSINESS & LEGAL AFFAIRS  
The River Suite

THE RETAIL CONNECTION  
The Park Suite

A&R: ACTION & REACTION  
Nieuw Amsterdam East Ballroom

MAJORS & INDIES WORKING TOGETHER  
Nieuw Amsterdam Center Ballroom

12:30 PM - 1:45 PM  
FIRMLY PLANTED: ROOTS MUSIC'S ENDURING NATURE  
The Broadway Suite

PUBLICITY & PRESS: THE GOOD, THE BAD & THE UGLY  
The River Suite

CREATIVE BUSINESS PRACTICES: AVOIDING CHAPTER 11  
The Park Suite

ART VS. THE INDUSTRY: FREEDOM, RESPONSIBILITY & EXPLOITATION  
Nieuw Amsterdam East Ballroom

COLLEGE RADIO: THE GREAT ROCK N' ROLL SWINDLE  
Nieuw Amsterdam Center Ballroom

2:00 PM - 3:15 PM  
JAZZ FORUM: CONVERSATION & IMPROVISATION  
The Broadway Suite

THE DEMO TANK  
The River Suite

ARTIST MANAGEMENT  
The Park Suite

RAP CONCLAVE  
Nieuw Amsterdam East Ballroom

SIGNATURE SOUNDS: THE PRODUCERS  
Nieuw Amsterdam Center Ballroom

3:30 PM - 4:45 PM  
THE ARTIST ENCOUNTER  
Nieuw Amsterdam Ballroom

8:00 PM  
1991 New Music Awards (Like You've Never Seen Them Before!)

MUSIC MARATHON LIVE! CLUB SHOWCASES

### METAL MARATHON

#### THURSDAY, OCTOBER 31, 1991

12:00 PM - 1:15 PM  
MARKETING: DID IT JUMP OR WAS IT PUSHED?  
Nieuw Amsterdam East Ballroom

1:30 PM - 3:15 PM  
RADIO: HARDENING OF THE AIRWAVES  
Nieuw Amsterdam East Ballroom

#### FRIDAY, NOVEMBER 1, 1991

12:00 PM - 1:15 PM  
PRESS IN B-MINOR  
The Liberty Room

1:30 PM - 2:45 PM  
SELF-PROMOTION: WHAT NOT TO DO  
The Liberty Room

2:45 PM  
KEYNOTE ADDRESS  
The Liberty Room

#### SATURDAY, NOVEMBER 2, 1991

1:00 PM - 2:30 PM  
THE FUTURE OF METAL  
The Liberty Room

2:45 PM - 4:00 PM  
ARTIST PANEL ANARCHY  
The Liberty Room

### REGISTRATION SCHEDULE

Wednesday, October 30, 1991	5:00 PM - 10:00 PM
Thursday, October 31, 1991	8:00 AM - 5:00 PM
Friday, November 1, 1991	8:00 AM - 5:00 PM
Saturday, November 2, 1991	9:00 AM - 3:00 PM

LOCATION:  
Pre-registrants, Exhibitors, Walk-up North Lobby  
Moderators, Panelists, Press Third Floor  
Registration Area

(Subject To Change)

IBS

### REGISTRATION FORM

CMJ Music Marathon<sup>®</sup>

October 30-November 2, 1991 • The Vista Hotel • New York City

#### HOTEL ACCOMMODATIONS:

Special rates at the Vista Hotel. Vista Hotel rates: \$143 Single/Double. These rates are only in effect until Oct. 16, 1991. Rates apply from Wed., Oct. 30 to Sun., Nov. 3, 1991. Call the Vista at 1-800-258-2505 (in New York State, 212-938-1990). You MUST MENTION CMJ MUSIC MARATHON TO RECEIVE DISCOUNT.

#### AIRLINE DISCOUNTS: AMERICAN AIRLINES

American Airlines is offering a special discount rate of 40% off regular coach fares. If you qualify for a lower fare, American Airlines will discount that rate an additional 5%. Call 1-800-433-1790 7:00 A.M. to 12:00 Midnight Central Time, any day. Specify STAR File #S-12014L.

Convention registration fee entitles entrance to all Marathon events including exhibits, panels, showcases and one registration bag.

NAME \_\_\_\_\_ TITLE \_\_\_\_\_ AFFILIATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

ACCOMMODATIONS DURING MARATHON \_\_\_\_\_

\_\_\_\_\_ Regular rate: \$185 before Aug. 15; \$210 before Sept. 15; \$235 after Sept. 15.

\_\_\_\_\_ Student rate\*: \$85 before Aug. 15; \$95 after Aug. 15. \*Copy of valid student ID must accompany payment and, in addition, ID must be presented at registration to pick up badge. No exceptions.

Indicate quantity and make check or money order (non-refundable) payable to CMJ Music Marathon. Purchase Orders without accompanying payment will not be accepted.

Do not send payment later than Oct. 18. Walk-up thereafter.

I have enclosed: ( ) Check ( ) Money Order

Check must accompany registration form, or provide the following credit card information: MasterCard ( ) Visa ( ) American Express ( )

CARDHOLDER NAME \_\_\_\_\_ CARD NUMBER \_\_\_\_\_

SIGNATURE \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

\*Credit card payments after Sept. 20 require registrant to present credit card in person prior to picking up registration material.

For more information contact: Joanne Abbot Green at (516) 466-6000 or Fax 516-466-7159.

Mail to: CMJ Music Marathon, 245 Great Neck Rd., 3rd Floor, Great Neck, NY 11021.

MM91







